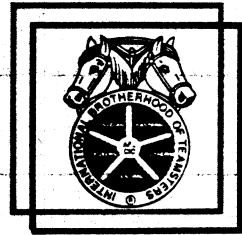


INTERNATIONAL BROTHERHOOD OF TEAMSTERS

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June 16, 1994

ARAC submission by the Teamsters Airline Division as a Part 91 change to be attached to the Teamsters Airline Division submission, a rewrite of Subpart S, Supplemental Regulations.

Air carriers and commercial operators often have bonafide reasons for operating under Part 91, e.g., maintenance ferry flights, test flights, etc. Conversely, Part 91 is often improperly employed by operators in order to evade the limiting nature of the flight time limitations, duty time limitations, and rest provisions of Part 121 and Part 135 that are designed to ensure safety and to prevent careless and reckless operations. The following recommendation is intended to preclude such circumvention.

Air carriers or commercial operators operating under Part 91 shall be limited by the flight time limitations, duty time limitations, rest provisions, and the crew manning requirements of the Part normally operated under, i.e., Part 135, Part 121 Subparts Q (Domestic), R (Flag Air Carriers), and S (Supplemental Air Carriers and Commercial Operators).

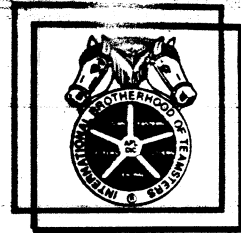
This modification should constrain operators from operating in a careless and reckless manner contrary to the interests of the public.

Sincerely,

Donald R. Treichler
Donald R. Treichler

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June 16, 1994

Teamsters Airline Division Proposal for Supplemental Rules § 121.500 - 507, Subpart S.

Comments. As has been raised repeatedly in the proceedings of the Aviation Rules Advisory Committee (ARAC), Subpart S, Supplemental rules, require substantial revision. Current Subpart S rules do not provide for a maximum duty time and they do not preclude air carriers or commercial operators from utilizing, on a flight by flight basis, Part 91 rules or Part 121 Domestic or Flag rules, whichever happen to be the least restrictive for the flight to be performed. Examples of abuse are tail end ferries under Part 91 that permit unlimited flight time and duty time. Air carriers and commercial operators interpret Part 91 to permit use of two crewmembers in a two crewmember cockpit aircraft for unlimited flight and duty periods and to permit use of unqualified crewmembers to perform crew duties without check airman supervision. The FAA also has interpreted Subpart S to permit domestic operations under such part which thereby enables the supplemental air carrier or commercial operator to schedule a three crewmember crew of a two crewmember cockpit aircraft to fly 12 hours of flight time and unlimited duty time while national or flag carriers flying over the same route are required to conform to domestic regulations, Subpart Q, that provides for a maximum of eight hours of flight time and 16 hours of duty time. In an international environment in 1993, a supplemental air carrier rescheduled a DC-8 crew in excess of 24 hours of duty. The crew crashed approaching 18 hours of duty. The NTSB cited the probable cause of the accident as fatigue and a primary contributing cause as the inadequacy of the regulations contained in Subpart S, supplemental regulations.

Attached is the Teamsters Airline Division proposal. It was formulated to correct the existing inadequacies of Subpart S. The proposal limits a supplemental air carrier or commercial operator from shifting operations between Parts. It requires the use of supplemental rules for flight time, duty time, and rest requirements when utilizing Part 91. It establishes flight time limits, duty time limits, and rest requirements inclusive of reserve rest. It requires the use of Subpart Q, domestic regulations, when operating wholly within the domestic regime. The proposal eliminates the 20 in 48 and the 24 in 72 rule and the one day off in seven rule since experience indicates that these rules are difficult to track and comply with and that crews feel that they do little to ensure rest or enhance safety. Further, the proposal introduces a flow sheet to visually depict the significant limits and requirements of the proposal. Throughout, the intent is to establish a regulation easily interpreted in the field and one that is not subject to constant modification by POI's and others that often results in the unsafe manipulation of the regulations to the detriment of the traveling public.

It is requested that this cover letter and attached proposal be included with the labor submission for the ARAC process on behalf of the Teamsters Airline Division.

Sincerely,

Donald R. Treichler
Donald R. Treichler

14 CFR §121 Subpart S
Flight Time Limitations, Duty Time Limitations, and Rest Requirements:
Supplemental Air Carriers and Commercial Operators and Crewmembers:
International Operations

§ 121.500 Applicability.

- (a) This subpart prescribes flight time limitations, duty time limitations, and rest requirements for supplemental air carriers, commercial operators, and crewmembers.
- (b) A supplemental air carrier or commercial operator scheduling and operating flights performed wholly within the Contiguous 48 States and the District of Columbia shall conform to Subpart Q, domestic rules, as relates to flight time limitations, duty time limitations, and rest requirements.
- (c) A supplemental air carrier or commercial operator operating international flights, to, from, or outside of the Contiguous 48 States and the District of Columbia, shall schedule and operate such flights under the rules of this part provided that all passengers enplaning and deplaning are departing for or returning from international destinations except for emergency deplaning for illness or other emergency situations.
- (d) A supplemental air carrier or commercial operator scheduling or a crewmember operating under more than one subpart shall be limited by the most restrictive limitation of said subparts except that an airman operating under this subpart may exceed 100 hours in 30 consecutive days provided that those hours in excess of 100 hours are acquired in international operations.
- (e) A supplemental air carrier or commercial operator scheduling and a crewmember operating in more than one type of crew, i.e., two (2) crewmember and three (3) crewmember crews, shall be limited by the most restrictive limitations applicable to said operations.
- (f) A supplemental air carrier or commercial operator, other than as herein stated, shall operate wholly under this subpart except, that operations may be conducted under subpart § 91, except flight time limitations, duty time limitations, and rest requirements applicable to such operations shall be scheduled under this subpart.
- (g) A supplemental air carrier or commercial operator shall utilize, in conducting operations, a communication system independent of the ATC system, domestic or foreign, and a dispatch system approved by the Administrator.

§ 121.501 Flight time limitations: Helicopters.

No supplemental air carrier or commercial operator may schedule a flight crewmember for duty aloft in helicopter operations subject to this part, or in any other commercial flying, that would exceed the flight time limitations prescribed in § 127.191.

§ 121.502 Flight Time Limitations: Crewmembers: Airplanes.

- (a) No supplemental air carrier or commercial operator may schedule and no crewmember may fly more than 120 hours during any 30 consecutive days.
- (b) No supplemental air carrier or commercial operator may schedule and no crewmember may fly more than 300 hours during any calendar quarter.
- (c) No supplemental air carrier or commercial operator may schedule and no crewmember may fly more than 1,000 hours in any 12 calendar month period.
- (d) No supplemental air carrier or commercial operator may schedule and no crewmember may fly, as part of a two (2) crewmember crew, more than eight (8) hours during any 24 consecutive hour period.
- (e) No supplemental air carrier or commercial operator may schedule and no crewmember may fly, as part of a three crewmember crew, more than 12 hours during any 24 consecutive hour period.
- (f) No supplemental air carrier or commercial operator may schedule and no crewmember may fly, as a part of an augmented crew, more than 16 hours during any 24 consecutive hour period.

§ 121.503 Duty Time Limitations: Crewmembers: Airplanes.

(a) No supplemental air carrier or commercial operator may schedule and no crewmember may perform more than 15 hours of duty in a 24 consecutive hour period provided the trip departure time occurs within the period 0630 through 2200 local time. The supplemental air carrier or commercial operator may dispatch and a crewmember may depart a flight that exceeds 15 hours of duty provided that the delay is unscheduled and beyond the control of the air carrier and provided that the prospective flight can be scheduled and flown in no more than 17 hours of duty. A further delay beyond 17 hours of duty, e.g., destination weather, will not be considered a violation of this subparagraph provided that the delay occurs after departure and, once landed, no more duty is performed by the crewmember until completion of required rest.

(b) No supplemental air carrier or commercial operator may schedule and no crewmember may perform more than 14 hours of duty in a 24 consecutive hour period whenever the trip departure time occurs within the period 2201 through 0629 local time. The supplemental air carrier or commercial operator may dispatch and a crewmember may depart a flight that exceeds 14 hours of duty provided that the delay is unscheduled and beyond the control of the air carrier and provided that the prospective flight can be scheduled and flown in no more than 16 hours of duty. A further delay beyond 16 hours of duty, e.g., destination weather, will not be considered a violation of this subparagraph provided that the delay occurs after departure and, once landed, no more duty is performed by the crewmember until completion of required rest.

(c) No supplemental air carrier or commercial operator may schedule and no crewmember may fly, as part of an augmented crew, i.e., two (2) captains and two (2) first officers of a two (2) crewmember cockpit aircraft or two (2) captains, two (2) flight engineers, and one first officer of a three (3) crewmember cockpit aircraft, more than 19 hours of duty with two (2) or less landings or more than 18 hours of duty with three (3) or less landings or more than 17 hours of duty with more than three (3) landings and said aircraft has rest facilities on board constructed and isolated to permit suitable rest and such facilities are approved by the administrator.

(d) Scheduled and actual duty time limitations prescribed in subparagraphs (a) and (b) above shall be reduced by one (1) hour for each landing in excess of seven (7) landings during any duty period.

§ 121.504 Reserve Duty: Crewmembers: Airplanes.

(a) **Reserve Rest: 11 Hours or Greater Report Time.** A supplemental air carrier or commercial operator may assign a crewmember a reserve duty period, with a report time of 11 hours or greater, for a maximum of 24 consecutive hours.

(b) **Reserve Rest: Less than 11 Hours Report Time.** A supplemental air carrier or commercial operator may schedule a reserve duty period, with a report time of less than 11 hours, for a maximum of 12 hours. Reserve duty, when combined with flight time and other duty time, shall not exceed 17 hours of total duty time unless required rest is provided.

§ 121.505 Rest Requirements: Crewmembers: Airplanes.

(a) A supplemental air carrier or commercial operator may schedule and a crewmember may perform flight time and duty time under this subpart provided the crewmember has been scheduled for and has received a minimum of 14 hours rest prior to the commencement of such flight or duty except that the 14 hours rest may be reduced to a minimum of 11 hours rest where there has previously occurred an unscheduled delay beyond the control of the air carrier, e.g., weather delays, ATC delays, or maintenance delays as opposed to rescheduling the flight for operational reasons such as passenger arrival or processing delays, and the crewmember receives a minimum of nine (9) hours uninterrupted rest in the hotel exclusive of transportation to and from the hotel. A crewmember having performed augmented flight time or duty time shall be provided a minimum of 18 hours of rest that may be reduced to 15 hours

with a minimum of 12 hours uninterrupted rest in the hotel for circumstances beyond the control of the air carrier as set forth in this paragraph..

(b) A supplemental air carrier or commercial operator shall provide a crewmember a minimum of 24 consecutive hours off free of all duty upon return to his operations base.

(c) A supplemental air carrier or commercial operator shall designate a rest period, free of all duty, of a minimum of 11 consecutive hours for a crewmember assigned reserve duty. The actual period of consecutive hours served on reserve duty, when combined with any subsequent duty time, shall not exceed 17 hours of total duty time since required rest was received.

(d) The air carrier shall furnish hotel accommodations that, at a minimum, shall provide sleeping, bath, and eating facilities or provision shall be made therefore.

§ 121.506 Flight Time Limitations: Other Commercial Flying: Airplanes.

No crewmember who is employed by a supplemental air carrier or commercial operator may do any other commercial flying, if that commercial flying plus his flying in operations under this part will exceed any flight time limitation in this part.

Part 121.507 Subpart S Flowchart
Flight Time Limitations, Duty Time Limitations, and Rest Requirements:
Supplemental Air Carriers, Commercial Operators, and Crewmembers: International Operations

